Montana Fish, Wildlife & Parks

1400 South 19th Avenue
Bozeman, MT 59718

September 20, 2005

To: Governor's Office, Mike Volesky, State Capitol, Room 204, P.O. Box 200801, Helena, MT 59620-0801
Environmental Quality Council, State Capitol, Room 106, P.O. Box 201704, Helena, MT 59620-1704
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901
Dept. of Natural Resources & Conservation, P.O. Box 201601, Helena, MT 59620-1601
Montana Fish, Wildlife & Parks:

Director's Office	Parks Division	Lands Section	FWP Commissioners
Fisheries Division	Legal Unit	Wildlife Division	Design & Construction

MT Historical Society, State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620-1202
MT State Parks Association, P.O. Box 699, Billings, MT 59103
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620
Beaverhead County Commissioners, Beaverhead County Courthouse, 2 South Pacific #4, Dillon, MT 59725
Marvin McCann, County Attorney, Beaverhead County Courthouse, 2 South Pacific CL #2, Dillon, MT 59725
James Jensen, Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, P.O. Box 595, Helena, MT 59624
George Ochenski, P.O. Box 689, Helena, MT 59624
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771
Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624
Wayne Hurst, P.O. Box 728, Libby, MT 59923
Huntsman Ranch, P.O. Box 24022, Dell, MT 59724-0022
Lee Martinell Company, P.O. Box 24077, Dell, MT 59724
Katherine Eldridge, 18 Blanch Farm Road, Greenville, NH 03048
Senator Bill Tash, 1200 Hwy 178, Dillon, MT 59725
Representative Debbie Barrett, 17600 Hwy 324, Dillon, MT 59725

Ladies and Gentlemen:

The enclosed Decision Notice has been prepared for a wild animal menagerie permit for a residence east of Dell, Montana. The permit proposes to allow the possession of one American black bear for non-commercial purposes and would be issued following final inspection and approval of all cages associated with the facility. Five public comments were received during the 18-day comment period ending September 15, 2005.

It is my decision to proceed with the proposed permit, with no changes to the Draft EA.

Questions regarding this Decision Notice should be mailed to:

Montana Fish, Wildlife & Parks, Wild Animal Menagerie Comments, 1400 S 19th Ave, Bozeman, MT 59718 or e-mailed to pflowers@mt.gov.

Sincerely,

Patrick J. Flowers
Region Three Supervisor
Attachment

1400 South 19th
Bozeman, MT 59718

September 20, 2005

Wild Animal Menagerie Permit
Dell, Montana
Decision Notice

Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposes to issue a wild animal menagerie permit to Katherine Eldrige, 1601 Sage Creek Road, Dell. The permit will allow the possession of one American black bear for non-commercial purposes. The permit will be issued following final inspection and approval of all cages associated with the facility.

Montana Environmental Policy Act

FWP assessed the impacts of this proposal to both the human and physical environments. These effects were disclosed in the Environmental Assessment (EA) to comply with the requirements of the Montana Environmental Policy Act.

A 15-day comment period was open from September 1, 2005 through September 15, 2005. The EA was distributed to 34 interested individuals and organizations. The EA was posted on the FWP web page, at the State Library and the Environmental Quality Council. Public notification of the proposed action was facilitated with the distribution of a legal notice in the Dillon Tribune.

Comments Received on the Environmental Assessment

FWP received 5 comments from one agency and one individual on this proposal. Comments and responses are listed below.

1. **State Historic Preservation Office:** " Thank you for your letter regarding the above-cited EA. We feel there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated. Thank you for consulting with us."
   Response: Comment noted.

2. **Individual comment:** The facility could expand or attract other individuals that want to possess wild animals. Such expansions could increase public safety hazards and change the nature of the Dell community.
   Response: FWP does not agree that such an outcome is likely to occur.

3. **Individual comment:** Livestock are pastured adjacent to the menagerie.

Response: FWP does not anticipate the presence of a caged bear will displace or disrupt the neighboring livestock operation. Should displacement or disruption of the livestock operation occur FWP would pursue mitigation with the owners of the facility.

4. **Individual comment:** Restrict the facility to this bear only.
   Response: FWP proposes to permit the facility for one bear only. However, the owners of the facility may apply for additional animals at any time. FWP is legally obligated to review and consider all such applications. Local ordinance, significant impact to the physical or human environment, misconduct pertaining to an existing facility or past animal-welfare related offenses are the only reasons FWP can employ enforcement actions, revoke or deny a permit.

5. **Individual comment:** What are the costs associated with permitting and inspecting the facility?
   Response: FWP estimates the cost of permitting the facility at $600, including $450 in salary, $90 in mileage and $60 in postage. Subsequent annual inspection costs will be borne by the FWP Enforcement Division.

Final Environmental Assessment for Wild Animal Menagerie

No significant impacts to the human or physical environment were identified in the Draft EA or through public comment. Therefore, the Draft EA and this Decision Notice will serve as the final document.

Decision

Based on the information in the Draft EA, it is my decision to proceed with the proposed action. The proposed action is to issue a wild animal menagerie permit to Katherine Eldridge. The issuance of this permit is subject to final inspection upon completion of the project.

Based on the analysis in the EA and applicable laws, regulations and policies, I have determined that this action will not have significant effects on the human or physical environment. Therefore, an Environmental Impact Statement will not be prepared. If you have questions regarding this decision notice, please contact me at (406) 994-4042, 1400 South 19th Avenue, Bozeman, MT 59718, or at pflowers@mt.gov.

Patrick J. Flowers
Region Three Supervisor